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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|---|-------------|----------------------|-----------------------------|------------------------|
| 09/210,892  | 12/16/1998  | YOSHIAKI SHUTO       | 614.1933                    | 7847                   |
| 21171   | 7590        | 06/19/2007           |                             |                        |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>HAVAN, THU THAO |                        |
|   |             |                      | ART UNIT<br>3691            | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>06/19/2007     | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/210,892

Applicant(s)

SHUTO, YOSHIAKI

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Detailed Action**

***Response to Amendment***

Claims 1-8 and 16 are pending. This action is in response to the RCE received March 27, 2007.

***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 16 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-8** and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 5,548,506) in view of Lortz et al. (US 6,041,364).

Re claims **1** and **16**, Srinivasan teaches a method of constructing a software system in a computer connected to a center via a network (col. 5, line 40 to col. 6, line 62; fig. 1; abstract; Srinivasan discloses creation of a software system in a network operating system), comprising:

storing an information about development situations, know-how, and knowledge in a solution bank at the center in units of solution patterns, the information including software components of a default software system (col. 7, lines 13-20 and 35-50; figs. 1 (elements 10 and 20) and 2-9; Srinivasan discloses default reminder frequency and default reminder window in his software system for resolving Inter-project resource conflicts);

selecting a solution pattern that is applicable to a customer (col.5, lines 40-67; Srinivasan discloses inter-project resource conflict resolution and allocation and management reports generation on critical tasks and overruns thus this resolves a solution pattern in relation to a particular customer's scenerio);

downloading contents including at least one or more of the software components of the default software system corresponding to the selected solution pattern ... (col. 5, line 40 to col. 6, line 24; fig. 10). Srinivasan discloses Auto Multi-Project Server. It is to act as an automated computer based project coordinator to manage the goals of multiple organizational work-teams. He discloses a self-running software system running on a central server computer system with capabilities for automatic data compilation, tracking and management, handle multiple projects, resolve inter-project resource conflicts and communicate with users via electronic mail or fax mail.

However, Srinivasan does not explicitly teach install the default software system in the computer and constructing a desired software system based on the installed default software system. On the other hand, Lortz discloses install the default software system in the computer and constructing a desired software system based on the installed default software system when he discloses installing the device and notifying

software sequences of the connection of the device and identifying the default software component to use with the device for the software category (col.6, lines 41-67; col. 8, lines 1-38; figs. 1-3). He discloses a Match Tree and a Device Tree for installing the device and notifying software sequences of the connection of the device. He also discloses a default software component to use for each associated software category is also added (i.e. constructing a desired software system) to the Device Tree. Thus, it would have been obvious to one of ordinary skill in the art to install and customize the default software system in the computer to handle installations of additional software to personalize the software system as discloses in Lortz.

Re claim 2, Srinivasan teaches solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment (col. 7, lines 35-45).

Re claim 3, Srinivasan teaches accessing the solution bank based on information including a business model, transaction forms, and a project size; and selecting items of desired information from items presented by the solution bank (fig. 10).

Re claim 4, Srinivasan teaches accessing the solution bank based on information including the solution pattern, a machine being used, a product being used; and supplying an application environment of the default system from the solution bank to the computer in which the desired software system is to be constructed (col. 6, lines 17-57).

Re claim 5, Srinivasan teaches supplying design documents of the default software system from the solution bank to the computer in which the desired software system is to be constructed (col. 7, lines 13-20).

Re claim 6, Srinivasan teaches solution bank provides a solution pattern categorized according to a business-transaction model which is requested by the computer in which the desired software system is to be constructed (figs. 5 and 9).

Re claim 7, Srinivasan teaches solution bank provides only a partial function of a solution pattern for the computer in which the desired software system is to be constructed (col. 7, lines 55-61). Srinivasan discloses changed and updated information as partial function of a solution pattern for the computer.

Re claim 8, Srinivasan teaches checking components incorporated into the default software system which is used as a basis for the desired software system; and utilizing the checked components for a computer in which another system is to be constructed (col. 7, lines 13-20).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

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6/8/2007